



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Pope et al.
Title: Prosthetic Knee Joint Having At Least One Diamond Articulation Surface
Filed: January 30, 2000
Serial No.: 09/494,278
Docket: 6061 P
Examiner: Isabella, David J.
GAU: 3738

Assistant Commissioner for Patents
Washington, DC 20231

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Response to Office Action

Honorable Assistant Commissioner:

This paper is intended to be fully responsive to the office action mailed on March 12, 2002.

Remarks

1. **Claim for Priority.** Applicant has attached hereto a new Declaration of Inventors and a new first page of the patent application asserting a claim for priority through a series of patent applications dating back to August 12, 1994. Applicant requests that the claim for priority be entered in the case. As this case was filed before the new rules governing a claim for priority, Applicant believes that this claim should be treated under the old rules.
2. **Formal Drawings.** Formal drawings are submitted herewith. Applicant requests that they be presented to the draftsman for review and approval.
3. **35 USC 102.** Pope (5,645,601) fails to disclose many of the elements and limitations of the pending claims. A comparison of those claims to the disclosure of Pope '601 shows many non-anticipated elements and limitations in the pending claims. However, this point may be moot in light of the claim for priority.
4. **35 USC 103.** The Examiner suggests combining Pope '601 with Turchan (5,554,415). Turchan discloses a plasma laser deposition process. However, neither Pope '601 nor Turchan discloses a prosthetic knee joint having the elements and limitations recited in the pending claims. Further, it is not possible to combine high